

Inventors : Michael D. Ellerman  
Serial No. : 10/788,875  
Page No. : 5

---

## REMARKS

Claims 1-15 are pending in the application. Applicant respectfully traverses the rejection under 35 U.S.C. 102(b).

### I. Invention Summary

The present invention is directed to a vehicle hood assembly including a hood panel and a pair of fender panels attached to opposing sides of the hood panel. Each of the fender panels is fixedly secured to the hood panel at a first location and a second location. Each of the fender panels form an enclosed chamber with the hood panel.

### II. Art Rejection

As previously presented, claims 1-15 were rejected under 35 U.S.C. 102(b) on the basis of U.S. Patent 5,557,829 to Schoen.

#### A. Independent Claims

Schoen discloses a hinge assembly for a vehicle trunk. As shown in Figs. 7 and 8, the hinge assembly includes a set screw 74 that enables height adjustment of the trunk panel 28 with the quarter panels 16. The height adjustment ensures that the longitudinal edge 91 of the trunk panel is flush with the upper surface 92 of the quarter panels 16. A portion of the hinge assembly 46 is attached to the quarter panel 16 with a rivet 47. Another portion of the hinge assembly 33 is attached to the trunk panel 28 with bolts 36 (see Fig. 2).

With respect to independent claims 1, 9 and 14, Schoen does not disclose 1) a pair of fender panels that are fixedly attached to a hood panel at a first attachment point and a second

Inventors : Michael D. Ellerman  
Serial No. : 10/788,875  
Page No. : 6

---

attachment point or 2) an enclosed air chamber between the hood panel and the fender panel in between the first attachment point and the second attachment point. Schoen discloses a trunk panel 28 and a quarter panel 16 are attached to each other at only one attachment point (either at the rivet 47, or at the bolts 36, depending on which elements are suggested by the Examiner as corresponding to the claimed fender panel). In addition, the Schoen construction does not include an enclosed air chamber between the trunk panel and the quarter panel.

Because Schoen does not disclose every element of amended independent claims 1, 9 or 14, Applicants respectfully submit that the Section 102(b) rejection based on Schoen is overcome, and/or should be withdrawn.

B. Dependent Claims

The dependent claims are even more clearly allowable. Claims 2 and 12 recite that the fender panels are L-shaped between the first and second attachment points. Claim 3 recites that the chamber between the L-shaped sections of the fender panels and the lateral portions of the hood panel forms an air channel. Claims 4 and 11 recite that the chamber has a generally box-shaped cross section. Claim 5 recites that the L-shaped section of the fender panel includes at least one step. Claim 6 recites that the hood panel and the fender panels are plastic. Claim 7 recites that at least one of the first and second attachment points comprises a flange engaging a hook tab. Claim 8 recites that at least one of the attachment locations is a nut and bolt. Claim 10 recites that the fender panel includes at least one step between the first and

Inventors : Michael D. Ellerman  
Serial No. : 10/788,875  
Page No. : 7

---

second attachment locations. Claim 13 recites that the chamber forms an air channel. Claim 15 recites that the sidewalls have an arcuate shape.

CONCLUSION

In view of these remarks, it is respectfully submitted that the present application is in condition for allowance. A notice to that effect is earnestly and respectfully requested.

Respectfully submitted,

CASCADE ENGINEERING, INC.

By: Warner Norcross & Judd LLP

/Chad E. Kleinheksel/  
Chad E. Kleinheksel  
Registration No. 53 141  
900 Fifth Third Center  
111 Lyon Street, NW  
Grand Rapids, MI 49503-2487  
(616) 752-2313